

REMARKS

The Office Action mailed February 9, 2009, has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Interview Record

Applicants gratefully acknowledge the courtesy and consideration extended to Applicants' undersigned representative during the telephone interview with Examiner Reuben Brown on July 2, 2009. As detailed below, Nakayama *et al.* (U.S. pub. no. 2003/0061370; hereinafter, "Nakayama") was discussed, with Applicants' representative providing arguments to distinguish the claimed invention over Nakayama.

Rejection(s) Under 35 U.S.C. § 102

Claims 1-46 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Nakayama. Applicants respectfully traverse.

The independent claims have been amended to clarify that updating 1) is conducted exclusively by the server computer, and 2) is a function of distribution conditions.

1) The Examiner agreed, during the interview, that Nakayama is ambiguous as to the first point—that updating is conducted exclusively by the server. Paragraph [0112] of Nakayama, which is illustrative of this and which was discussed during the interview, states:

[0112] Further, after information to be stored in the local computer 10 is created, the locations or names of files of contents may be changed on the server side, so that the structure changes. In such cases, information about the change of the file structure is set in the server-side integration file. Specifically, the names of the directories and files before the change are correlated with the names of the directories and files after the change. Once the server-side control file is acquired, therefore, the local proxy server 13 can recognize the correspondence to the local-side contents based on file information about the structure before the change, and also can access corresponding server-side contents based on file information about the structure after the change. (Emphasis added)

The updating procedure in Nakayama is therefore as follows:

- a) At the server computer 20:

The server computer 20 sets the following correlation into an integration file which is stored in the server computer 20 itself:

the names of directories and files before the change	the names of directories and files after the change
---	--

- b) At the local computer 10 (local proxy server 13):

The local computer 10 acquires the integration file from the server computer 20.

- c) At the local computer 10 (local proxy server 13):

The local computer 10 recognizes the correspondence between the names of a directory and a file before the change with a content stored in the local computer.

- d) At the local computer 10 (local proxy server 13):

The local computer 10 accesses a content stored in the server computer based on the names of a directory and a file after the change.

In Nakayama, after the local computer 10 has recognized that a content to be referred to has been changed (step c), the local computer 10 switches the content to be referred to from the names of the directory and the file before the change to the names of the directory and the file after the change (step d), thereby the updating is completed. The server computer 20 merely sets the integration file at step a, and the local computer 10 performs all the subsequent updating processes in steps b, c, and d. Nakayama is different from the present invention which conducts the updating exclusively by a server computer. In Nakayama, since the local computer 10 must perform the extra processes in steps b, c, and d, the time required for the updating is increased and the load on the local computer 10 is increased.

Moreover, in connection with the structure of “the server-side integration file” recited in paragraph [0112] of Nakayama, there is a difference between the present invention and Nakayama as follows.

The present invention “updates a video data file name to another video data file name”. Thus, it is possible to obtain video data by simply accessing a video data file designated by the updated video data file name.

In contrast, Nakayama creates the correspondence between the names of directories and files before the change and the names of directories and files after the change so that the local computer 10 can recognize the correspondence with a content stored in the local computer. As a result, Nakayama cannot access a content stored in the server computer until the foregoing steps b, c, and d have been completed.

It should be noted that in the invention as claimed, a video data file name is replaced with another video data file name. For example, in FIG 6A and FIG 6B, “Electric-CM1.wmv” is replaced with “Electric-CM2.wmv”. In other words, unlike Nakayama, the names of directories and files before the change and the names of directories and files after the change are not stored; rather, but only the updated video data file name is stored.

2) It was also explained during the interview that Nakayama does not disclose updating that is a function of distribution conditions. The claims were amended to substitute the term “a function of” for “depending on” in order to address the Examiner’s concern that “depending on” did not provide a sufficiently strong nexus between distribution conditions on the one hand and updating on the other. The Examiner’s contention was that Nakayama’s stated concern with congestion (for example ¶¶ [0006]-[0009] and [0112]-[0114]) satisfied a weak nexus, and therefore a stronger nexus was required for patentability. To that end, the claims have been amended to state that updating is a function of distribution conditions (like cumulative distribution number, distribution area, time and duration). The mention of congestion in Nakayama, by contrast, relates to the desire to locally store or cache content so that it does not have to be obtained from a remote server location each time it is needed, which can clog up network channels. Nakayama does not state that distribution is a function of congestion (or,

more relevantly, of things like cumulative distribution number, distribution area, time and duration). Rather, Nakayama merely expresses the goal of ameliorating congestion, by conducting caching when feasible.

In Nakayama, duplicates of contents (e.g., streaming contents 24b") in a server computer (FIG. 2) that need not be updated for a fixed period of time are recorded in a medium such as a CD-ROM, and they are distributed to users. This medium serves as an auxiliary storage device 14 in a local computer 10. When a WWW browser 11 in the local computer 10 makes a request for acquiring a streaming content 24b, the local computer 10 (a local proxy server 13) acquires a control file 24a in the server computer 20 (including version information) and a control file 14a in the local computer 10 (including version information). Based on these pieces of version information, the local computer 10 determines whether or not a duplicate of the streaming content 24b is present in the auxiliary storage device 14 and this duplicate is the latest one. If the latest duplicate is present in the auxiliary storage device 14, the local computer 10 fetches a streaming content 14c in the local computer 10. Otherwise, the local computer 10 requests the latest streaming content 24b from the server computer 20.

As mentioned above, regarding the limitation that "the updating of a link list is conducted exclusively by a video distribution system" recited in Claim 1, the Examiner asserts that to the extent that a server 21 controls some updating in the local proxy server 13, the local proxy server 13 is included in the "video distribution system", whereas the browser 11 and the streaming player 12 correspond with the "user terminal".

However, according to Claim 1, a client computer can connect to server computers via a network.

In contrast, in Nakayama, the local computer 10 is connected to the server computer 20 via the Internet 30 (FIG. 2). Moreover, Nakayama states that FIG. 4 shows the data flow between a client and a server (paragraph [0050]). Therefore, the local computer 10 of Nakayama is a client computer. In addition, the local proxy server 13 of Nakayama is provided within the local computer 10, and hence it is apparent that the local proxy server 13 is not included in the server computer 20. Accordingly, as a result of the foregoing claim amendments, the Examiner's

assertion that "the local proxy server 13 is included in the video distribution system" (after the claim amendments, "the local proxy server 13 is included in the server computer") no longer holds.

Moreover, the Examiner asserts that the server 21 controls updating in the local proxy server 13. However, the local proxy server 13 autonomously initiates the processes shown in FIG. 9 and FIG. 10 in response to a communication request from the WWW browser 11 (paragraphs [0069] and [0071]). In these processes, the local proxy server 13 is not subject to control of the server computer 20. It is noted that although the Examiner points out paragraphs [0045]-[0046] and [0052]-[0055] of Nakayama, these paragraphs do not even mention the local proxy server 13.

Furthermore, in Nakayama, the local computer 10 determines whether or not the duplicate stored in the local computer 10 itself is the latest one. Thus, it can be said that in Nakayama, not only the sever computer 20 but also the local computer 10 are involved in the updating. Nakayama fails to disclose the technical idea of the present invention in which a server computer exclusively conducts the updating of a link list.

In Nakayama, after information to be stored in the local computer 10 is created, if the structure of files of contents changes on the server computer 20 side because the locations or names of the files are changed, the correlation between the names of the directories and files before the change and the names of the directories and files after the change is set in an integration file of the server computer 20, which is included in control files 23a and 24a shown in FIG. 2 (paragraph [0112]). Thus, the local computer 10 of Nakayama requires the following extra processing, thereby increasing the load on the local computer 10 and producing delay in acquiring contents. That is, the local computer 10 acquires the control file 24a from the server computer 20. If the local computer 10 detects that the integration file in the control file 24a includes the abovementioned correlation, the local computer 10 recognizes the correspondence to the local-side contents based on file information before the change, and determines the file information after the change. After these processes have been completed, the local computer 10 can finally request contents from the server computer 20, and then the server computer 20 acquires the contents in response to this request.

In contrast, the invention as recited in independent Claim 1 updates a video data file name to another video data file name. In other words, according to Claim 1, the server computer updates the video data file name itself in the link list stored in the server computer. Therefore, the server computer can acquire requested video data by simply accessing a video data file corresponding to the updated video data file name without performing extra processing as required by Nakayama.

Regarding the updating of a video data file name in a link list, the Examiner also points out an alternate embodiment (see FIG. 13) of Nakayama (page 4, last paragraph to page 5, first paragraph of the Office Action). However, this alternate embodiment merely discloses that a relevant URL 82, which is to be synchronized with a streaming content 71, and a synchronization start time are stored into a synchronization file 72, and when the synchronization start time has come, a clip 80 created by combining the streaming content 71 with the relevant URL 82 is sent out to a local computer 50. The alternate embodiment of Nakayama does not even mention the updating of the streaming content 71.

The Examiner correlates the distribution conditions, which is used when the link list updating device updates a link list, with the "congestion" (i.e., the amount of information transmitted over lines drastically increases, thereby causing overloading of the lines. see paragraph [0006]) of Nakayama (page 4, first paragraph, lines 4-11 of the Office Action).

However, for example, paragraph [0112] of Nakayama pointed out by the Examiner merely states that the structure of files of contents changes on the server side because the locations or names of the files are changed. Nakayama fails to suggest the relevancy with the congestion of lines (i.e., the file structure is changed in response to the congestion of the lines). Moreover, even if the file structure on the server is changed, this does not contribute to the mitigation of the congestion of the lines. There are no grounds that associate the recitation of paragraphs [0006]-[0009] of Nakayama (i.e., its Related Art) with the recitation of paragraphs [0112]-[0114] of Nakayama (i.e., its embodiment).

Conclusion


In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-3557.

Respectfully submitted,
NIXON PEABODY LLP

Dated: August 10, 2009


Khaled Shami
Reg. No. 38,745

NIXON PEABODY LLP
200 PAGE MILL ROAD 2ND FLOOR
PALO ALTO, CA 94306-2022
TEL. (650) 320-7700
FAX. (650) 320-7701